



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

SB0205

Introduced 2/2/2005, by Sen. Martin A. Sandoval

SYNOPSIS AS INTRODUCED:

225 ILCS 410/3D-10 new	
225 ILCS 410/4-9	from Ch. 111, par. 1704-9
225 ILCS 410/4-20	from Ch. 111, par. 1704-20

Amends the Barber, Cosmetology, Esthetics, and Nail Technology Act of 1985. Provides that it is unlawful for any person, firm, partnership, limited liability company, or corporation owning or operating a cosmetology, esthetics, or nail technology salon or barber shop to knowingly employ in the salon any individual who is required to be licensed under the Act and who does not possess a valid license. Provides that if any person, firm, partnership, limited liability company, or corporation owning or operating a cosmetology, esthetics, or nail technology salon or barber shop does knowingly employ in that salon or shop an unlicensed individual who is required to be licensed, any licensee, any interested party, or any person injured thereby may, in addition to the Secretary of Financial and Professional Regulation, petition for relief. Provides that any person or entity that violates this prohibition on the employment of unlicensed individuals shall, for the first offense, be guilty of a Class B misdemeanor; for the second offense, be guilty of a Class A misdemeanor; and for all subsequent offenses, be guilty of a Class 4 felony and be fined not less than \$1,000 or more than \$5,000.

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CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

FISCAL NOTE ACT
MAY APPLY

1 AN ACT concerning regulation.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Barber, Cosmetology, Esthetics, and Nail
5 Technology Act of 1985 is amended by adding Section 3D-10 and
6 by changing Sections 4-9 and 4-20 as follows:

7 (225 ILCS 410/3D-10 new)

8 Sec. 3D-10. Prohibition. No person, firm, partnership,
9 limited liability company, or corporation owning or operating a
10 cosmetology, esthetics, or nail technology salon or barber shop
11 shall knowingly employ in that salon or shop any individual who
12 is required to be licensed under this Act and who does not
13 possess a valid license.

14 (225 ILCS 410/4-9) (from Ch. 111, par. 1704-9)

15 (Section scheduled to be repealed on January 1, 2006)

16 Sec. 4-9. Practice without a license or after suspension or
17 revocation thereof; employment of unlicensed individual.

18 (a) If any person violates the provisions of this Act, the
19 Director may, in the name of the People of the State of
20 Illinois, through the Attorney General of the State of
21 Illinois, petition, for an order enjoining such violation or
22 for an order enforcing compliance with this Act. Upon the
23 filing of a verified petition in such court, the court may
24 issue a temporary restraining order, without notice or bond,
25 and may preliminarily and permanently enjoin such violation,
26 and if it is established that such person has violated or is
27 violating the injunction, the Court may punish the offender for
28 contempt of court. Proceedings under this Section shall be in
29 addition to, and not in lieu of, all other remedies and
30 penalties provided by this Act.

31 (b) If any person shall practice as a barber,

1 cosmetologist, nail technician, or esthetician, or teacher
2 thereof or cosmetology, esthetics, or nail technology clinic
3 teacher or hold himself out as such without being licensed
4 under the provisions of this Act, any licensee, any interested
5 party, or any person injured thereby may, in addition to the
6 Director, petition for relief as provided in subsection (a) of
7 this Section.

8 (c) Whenever in the opinion of the Department any person
9 violates any provision of this Act, the Department may issue a
10 rule to show cause why an order to cease and desist should not
11 be entered against him. The rule shall clearly set forth the
12 grounds relied upon by the Department and shall provide a
13 period of 7 days from the date of the rule to file an answer to
14 the satisfaction of the Department. Failure to answer to the
15 satisfaction of the Department shall cause an order to cease
16 and desist to be issued immediately.

17 (d) If any person, firm, partnership, limited liability
18 company, or corporation owning or operating a cosmetology,
19 esthetics, or nail technology salon or barber shop knowingly
20 employs in that salon or shop any individual who is required to
21 be licensed under this Act and who does not possess a valid
22 license, any licensee, any interested party, or any person
23 injured thereby may, in addition to the Secretary, petition for
24 relief as provided in subsection (a) of this Section.

25 (Source: P.A. 89-387, eff. 1-1-96; 90-302, eff. 8-1-97.)

26 (225 ILCS 410/4-20) (from Ch. 111, par. 1704-20)

27 (Section scheduled to be repealed on January 1, 2006)

28 Sec. 4-20. Violations; penalties. Whoever violates any of
29 the following shall, for the first offense, be guilty of a
30 Class B misdemeanor; for the second offense, shall be guilty of
31 a Class A misdemeanor; and for all subsequent offenses, shall
32 be guilty of a Class 4 felony and be fined not less than \$1,000
33 or more than \$5,000.

34 (1) The practice of cosmetology, nail technology,
35 esthetics or barbering or an attempt to practice cosmetology,

1 nail technology, esthetics, or barbering without a license as a
2 cosmetologist, nail technician, esthetician or barber or a
3 cosmetology, nail technology, esthetics, or barbering teacher
4 without a license as a cosmetology, nail technology, esthetics
5 or barbering teacher or as a cosmetology, esthetics, or nail
6 technology clinic teacher without a proper license.

7 (2) The obtaining of or an attempt to obtain a license or
8 money or any other thing of value by fraudulent
9 misrepresentation.

10 (3) Practice in the barber, nail technology, cosmetology or
11 esthetic profession, or an attempt to practice in those
12 professions by fraudulent misrepresentation.

13 (4) Wilfully making any false oath or affirmation whenever
14 an oath or affirmation is required by this Act.

15 (5) The violation of any of the provisions of this Act.

16 (6) Knowingly employing, while serving in the capacity of
17 owner or operator of a cosmetology, esthetics, or nail
18 technology salon or barber shop, any individual who is required
19 to be licensed under this Act and who does not possess a valid
20 license.

21 (Source: P.A. 89-387, eff. 1-1-96; 90-302, eff. 8-1-97.)